

Erin Grady

Boudjerada v City of Eugene

September 7, 2021



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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON, EUGENE DIVISION

HASHEEM BOUDJERADA; DAMON)
COCHRAN-SALINAS; ERIN GRADY;)
TYLER HENDRY; and KIRTIS) No. 6:20-cv-1265-MK
RANESBOTTOM,)
Plaintiffs,)
v.)
CITY OF EUGENE; SARAH)
MEDARY; WILLIAM SOLESBEE;)
SAMUEL STOTTS; BO RANKIN;)
TRAVIS PALKI; MICHAEL CASEY;)
ANTHONY VIOTTO; and RYAN)
UNDERWOOD,)
Defendants.)

DEPOSITION OF ERIN GRADY

Tuesday, September 7th, 2021; 10:00 A.M.

THE DEPOSITION OF ERIN GRADY was taken at CC
Reporting & Videoconferencing, 101 East Broadway,
Eugene, Oregon, before Deborah M. Bonds, CSR, CCR,
RPR, Certified Shorthand Reporter in and for the
State of Oregon and Washington.

APPEARANCES

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BY: MR. BEN MILLER

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Also Present: Jamie Iboa

Appearing by Zoom: Lauren Regan

Julia VanHorn, law clerk

Court Reporter: DEBORAH M. BONDS, CSR, CCR, RPR

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1 ERIN GRADY,
2 having been first duly sworn to testify the truth,
3 the whole truth, and nothing but the truth, was
4 examined and testified as follows:

5

6 EXAMINATION

7 BY MR. MILLER:

8 Q. All right. Good morning -- is it
9 Ms. Grady or do you have a preference on pronouns?

10 A. Ms. Grady is fine.

11 Q. Good morning. I'm Ben Miller. I'm one of
12 the attorneys for the City of Eugene, and I'm here
13 to take your deposition in this lawsuit.

14 Do you understand that?

15 A. Uh-huh.

16 Q. Is that a yes?

17 A. Yes.

18 Q. Okay. And, you know, this is sort of my
19 opportunity to talk to you under oath. You've been
20 put under oath. It's the same oath that you'll be
21 put under if you testify at trial.

22 Do you understand that?

23 A. Yes.

24 Q. And so you'll notice that there's a court
25 reporter here. Have you ever had a deposition taken

1 before?

2 A. No.

3 Q. All right. So I'll be very brief with
4 just kind of some of the rules. We want to be
5 careful not to talk over each other so that --
6 because there's a transcript that's going to come
7 out of this.

8 Does that make sense?

9 A. Uh-huh.

10 Q. Is that a yes?

11 A. Yes. Sorry. I'll start saying the word
12 "Yes."

13 Q. Okay.

14 A. Yes.

15 Q. And because there will be a transcript,
16 nods of the head and uh-huhs don't show up well, and
17 so I'll try to politely correct you if you do that.
18 It's just natural. It's okay.

19 A. Great.

20 Q. And, you know, your deposition can be used
21 in a couple of different ways later in this case.
22 It can be used sort of as direct evidence, so rather
23 than calling you as a witness to have you repeat
24 your testimony, I could present the transcript.

25 Do you understand that?

1 A. Yes.

2 Q. And the other thing I could do is if you
3 testify later and you testify inconsistently with
4 your deposition testimony, I could point out that
5 inconsistency and ask a judge or a jury to
6 disbelieve you.

7 Do you understand that?

8 A. Yes.

9 Q. So today I just want your best answers to
10 my questions. If you need me to clarify -- because
11 I'm an attorney, I'm going to ask poorly worded
12 questions or something that's confusing -- please
13 stop me and tell me, "Can you clarify that," or "Can
14 you break it down?"

15 Is that fair?

16 A. That is fair.

17 Q. All right. Anything that would interfere
18 with your ability to participate in the deposition
19 today?

20 A. No.

21 Q. All right. So just as an example -- I
22 mean, any sort of a medication that would impact
23 your ability to recall, anything like that?

24 A. No.

25 Q. Okay. In general, tell me what you did to

1 prepare for your deposition today.

2 A. I talked with Marianne. We had two
3 different deposition prep meetings. I thought a lot
4 in my own head. I talked to myself and I talked
5 with my friend who I was arrested with, but that was
6 like probably two months ago I talked to her.

7 Q. All right.

8 A. That's what I did.

9 Q. Okay. Did you review any written
10 documents to prepare for your deposition?

11 A. No.

12 Q. All right. Did you review any video to
13 prepare for your deposition?

14 A. No.

15 Q. All right. Did you listen to any
16 recordings to prepare for your deposition?

17 A. No.

18 Q. Did you attend virtually any of the other
19 depositions that were taken in this case?

20 A. No. I wanted to, but I couldn't get into
21 the city manager one.

22 Q. Okay. Could you state your full name for
23 us?

24 A. Erin Michelle Grady.

25 Q. And for the court reporter's benefit,

1 would you just spell your first and last names.

2 A. Oh, yeah. E-R-I-N, G-R-A-D-Y.

3 Q. Thank you. Have you ever gone by any
4 prior names?

5 A. Like nicknames?

6 Q. Like if you had a name change really.

7 A. Oh, no.

8 Q. All right. And what's your date of birth
9 and place of birth?

10 A. 7/7/87, Boulder, Colorado.

11 Q. All right. And just sort of in a general
12 sense, can you describe for me sort of where you
13 lived, where your residences are from kind of birth
14 to present?

15 A. Oh, I grew in Boulder until I was 18, and
16 then I came here for college at the U of O. And
17 then I have lived in Eugene ever since. That was 15
18 years ago -- no. 16 years ago now -- in September
19 except for two years when I moved back to Colorado
20 to do a wilderness therapy job, and then I came back
21 to Eugene.

22 Q. Okay.

23 A. I lived in Durango for those two years.

24 Q. Do you have a spouse or a significant
25 other?

1 A. Nope.

2 Q. All right. And can you identify and give
3 me the whereabouts of your parents and any siblings?

4 A. My parents live in Broomfield, Colorado,
5 which is like a suburb of Denver, and my sister
6 lives in Columbus, Ohio. She just moved there.

7 Q. Okay. And what are your parents' names
8 and your sister's name?

9 A. My dad's name is James Grady and my mom's
10 name is Leslie Grady, and my sister's name is Alison
11 Grady.

12 (Jamie Iboa now present.)

13 BY MR. MILLER:

14 Q. Do you have any children?

15 A. No. I have a cat.

16 Q. Do you currently live with anyone?

17 A. Yeah. I have three roommates.

18 Q. What are their names?

19 A. One's name is Nick, one's name is Danny,
20 and one's name is Israel. I live with three boys,
21 which is not my favorite thing.

22 Q. Do you know their last names?

23 A. Yeah. Israel's last name is Castro,
24 Nick's last name is Cervantes, and Danny's last name
25 is Noonan (phonetic).

1 Q. And have you lived with anybody else
2 besides those three between, say, May 29th of 2020
3 to the present?

4 A. Yeah. We had a different roommate last
5 summer whose name is Roo. He ended up moving to
6 Miami, but I lived with Roo and then Danny came when
7 Roo left.

8 Q. Do you know how to -- for our benefit to
9 spell Roo?

10 A. R-O-O, I think. His real name is Andrew.
11 We call him Roo. His last name is Bandegrift. Do
12 you want me to spell that?

13 Q. Yes.

14 A. B-A-N-D-E-G-R-I-F-T.

15 Q. And I'm assuming in your phone you have
16 contact information for all these people at least
17 through a phone number?

18 A. Yeah.

19 Q. Yes?

20 A. Yes.

21 Q. Okay. Anybody else that you've lived with
22 during that period of time May 29, 2020, to the
23 present?

24 A. No.

25 Q. Okay. And where are you living at now?

1 A. I live at 856 Almaden Street.

2 Q. How long have you lived there?

3 A. Since -- okay. I suck at this. I have
4 lived there for two years so I moved in there
5 October two years ago which would make it 2019,
6 2018.

7 Q. Somewhere in there.

8 A. I can't remember -- oh, wait. Wait.
9 There was one more roommate also during that time
10 because Roo had subletter for a summer. His name is
11 Alejandro, and I forget his last name.

12 Q. Describe for me your level of education
13 and where -- what school you've attended?

14 A. I have a bachelor's degree in
15 international studies. I went to the U of O. And
16 before that I went to high school at Fairview High
17 School and graduated with a normal high school
18 diploma. And I went to middle school and elementary
19 school and preschool.

20 Q. Do you have any professional
21 certifications?

22 A. First aid and CPR. I don't have like a
23 master's degree or anything.

24 Q. Okay. Other than this case have you ever
25 been arrested?

1 A. Yes.

2 Q. Okay. And list for me all the arrests.

3 A. I was arrested in 2013, I believe, for a
4 trespassing situation with regard to -- or related
5 to a forest fence, also an activist arrest. And
6 that was in Salem, in Marion County. And I was
7 arrested -- I wasn't -- when I was 17, I got a DUI
8 which I really regret -- and I don't think I was
9 really arrested. They took me to the police station
10 and they called my parents. There were handcuffs
11 involved but they took them off when my mom arrived.
12 Yeah.

13 Q. All right. And so for this 2013 arrest
14 did you end up being charged with a crime?

15 A. Yes. I was charged with like, I think,
16 three crimes to begin with. It was trespassing and
17 disorderly conduct and maybe some other misdemeanor
18 that I can't remember, and then I was only convicted
19 of trespassing, I believe. That is my understanding
20 of that situation.

21 Q. And was that a conviction following a jury
22 trial or did you plead guilty to that offense?

23 A. It was a plea deal, yeah.

24 Q. And was this for occupation of a portion
25 of the Oregon legislature or the governor's office?

1 A. No. It was for rappelling off the
2 building at the Oregon State Capitol.

3 Q. Okay. Describe for me kind of your
4 employment history.

5 A. Let's see. I have worked in restaurants
6 in high school and college. And then after college
7 I started doing trail crew with Northwest Youth
8 Corps. I also got a job at the City of Eugene's
9 recreation program, the Riverhouse, so I worked
10 doing like recreational tree climbing and nature
11 education and outdoor education with them for like a
12 few years. I can't remember how many years.

13 And then I got a job at Station 7, which
14 is the youth homeless shelter in Eugene. And then
15 from Station 7, I found out about wilderness therapy
16 which is where you can live outside with youth who
17 are having a really rough time in their life. And I
18 was like that's really cool, so I left, did that for
19 two years, then came back, worked for the CLDC with
20 these fine folks, and then transitioned to working
21 at White Bird.

22 Q. Okay. And how long have you worked for
23 White Bird?

24 A. I have worked with White Bird since pretty
25 much I think when I moved into my house, so about

1 two years, yeah.

2 Q. And do you have a -- what's your job
3 title?

4 A. I work -- I'm a crisis worker. I work for
5 the crisis department at White Bird as a crisis
6 worker, which is the crisis line and walk-in crisis
7 center. And I also work for the HOOTS program,
8 which is Helping Out Our Teens in Schools, which is
9 the high school program. It's the newest White Bird
10 program. It's been going on for about three years.

11 Q. And approximately how many hours do you
12 work?

13 A. I work 40 to 60 hours a week depending on
14 what is going on and how many shifts need to be
15 covered. And I don't often work 60 hours a week, so
16 just so you know, I'm not -- it just happened
17 before.

18 Q. Have you ever made a claim against an
19 employer?

20 A. No.

21 Q. Okay. And other than this litigation have
22 you ever been a plaintiff in a lawsuit against
23 anyone?

24 A. No.

25 Q. I understand that you have been involved

1 in an auto accident recently?

2 A. Yeah. I got in a car accident on December
3 26th up on McKenzie Pass in the snow. And I was not
4 driving. Me and my friends were hit by a vehicle
5 who lost control of their vehicle on the pass on
6 ice. And we have lawyers.

7 The lawsuit has not begun yet because we
8 probably -- we are like -- they say that we can't
9 start the lawsuit until after we're done seeking
10 treatment for our injuries, so probably there will
11 be a lawsuit at some point in the future.

12 Q. Okay. Do you remember who your attorney
13 is in that case or that potential case?

14 A. It's like Berkshire and -- I don't know.
15 I can look in my email. It's this guy named Mark
16 who lives in Portland, who is a personal injury
17 lawyer who we were recommended.

18 Q. And just in general terms, can you
19 describe sort of the type of treatment that you're
20 receiving as result of that accident?

21 A. Yeah. Well, I kind of stopped doing
22 treatment at the beginning of the summer because my
23 personal injury -- my PIP ran out, but I hope to
24 start again because it seems like my health
25 insurance can cover it, but yeah. I was working --

1 or I was going to Well Balance Clinic on 7th --
2 which are lovely people, highly recommend -- and
3 doing physical therapy and massage for like --
4 basically just like really intense whiplash and I
5 had a broken rib.

6 Q. Prior to that accident had you been going
7 to physical therapy or massage?

8 A. Off and on. I had a car accident like
9 probably two years before that also which I got
10 pretty bad whiplash, and that I didn't treat right
11 away, which I really regretted. But then like in
12 the years after that, I did do some physical therapy
13 because I was hurting a lot and my neck was hurting
14 and still hurts.

15 Q. And I'll cut to the chase. Really what
16 I'm interested in is as a result of kind of your
17 arrest in this case, did you require any medical
18 treatment?

19 A. No. I mean, I don't know -- I don't -- I
20 have ongoing, like, pain in my neck and back from
21 car accidents and it is, as my physical therapist's
22 have taught me, it is oftentimes accelerated by
23 stress.

24 So I -- yeah, like I did -- I don't think
25 last summer I was seeking -- or the summer in

1 question, summer 2020, I was not seeking physical
2 therapy. Probably should have been. I was just
3 really busy and stressed out, but I don't think I
4 started getting physical therapy again until my car
5 accident -- my second car accident.

6 But in general, yeah, like I have a lot of
7 pain and I get more pain when stressful things
8 happen to me, and this was a stressful thing that
9 happened to me. I did not go to the doctor though.
10 I was too stressed out to go to the doctor.

11 Q. And without telling me anything that your
12 lawyers have talked to you about, is that a category
13 of damages though that you're seeking in this case?

14 A. No.

15 Right?

16 MS. DUGAN: It's not in the claim, no.

17 MR. MILLER: Okay. I've just --

18 MS. DUGAN: Sorry. I don't mean to --

19 MR. MILLER: -- got to make sure.

20 MS. DUGAN: I know. I understand.

21 THE REPORTER: Ms. Regan is trying to
22 join. Can we go off the record?

23 MR. MILLER: Yeah.

24 (Brief recess.)

25 BY MR. MILLER:

1 Q. Have you ever been a defendant in a
2 lawsuit or ever been sued by somebody else?

3 A. No.

4 Q. When did you first decide to sue in this
5 case?

6 A. That is -- the timeline is a little hard
7 for me to remember but I think probably within a
8 couple months of this particular night was contacted
9 by the CLDC was made aware that a lawsuit was being
10 put together and expressed my interest and then
11 jumped on board. I don't remember exactly what
12 month that happened.

13 Q. Okay. And without telling me anything you
14 discussed, do you know when you first contacted an
15 attorney for the CLDC?

16 A. I do not remember when we first talked
17 about this case.

18 Q. Okay. What is your current phone number?

19 A. 303/905-8601.

20 Q. And do you have any other phone numbers?

21 A. No.

22 Q. And I'm assuming that's a mobile phone?

23 A. Yes.

24 Q. And who is your mobile phone provider?

25 A. Version.

1 Q. And do you know the brand and model of
2 your current phone?

3 A. It's an iPhone, and it's old and crappy.
4 I don't know what number it is.

5 Q. Okay. How long have you had it?

6 A. I do not know. A few years.

7 Q. Is it the phone that you would have had in
8 your possession on May 31st of 2020?

9 A. Yes.

10 Q. All right. And do you still have that
11 phone?

12 A. Yes.

13 Q. And it's functional?

14 A. Yes.

15 Q. Okay. We'll go ahead and mark this
16 Exhibit 1.

17 (Deposition Exhibit 1

18 marked for identification.)

19 BY MR. MILLER:

20 Q. So, Ms. Grady, I'm handing you what's been
21 marked as Exhibit 1, which is your response to the
22 City of Eugene's first request for production.

23 Do you see that?

24 A. Uh-huh.

25 Q. Is that a yes?

1 A. Yes.

2 Q. Okay. And are you at least somewhat
3 familiar with what this document is?

4 A. Yes.

5 Q. Okay.

6 A. This is what you all requested of me;
7 right?

8 Q. Essentially.

9 A. Yeah.

10 Q. And then the responses.

11 So I wanted to ask about a couple
12 questions in here just to clarify those. The first
13 is on the second page, and that's Request for
14 Production Number 5.

15 Do you see that?

16 A. Uh-huh.

17 Q. Okay. Would you just read that to
18 yourself and the response and let me know when
19 you're done.

20 A. Like I read the part that's not in bold?
21 Oh, response (as read): There are no such
22 documents.

23 Q. Yeah. But all you've got to do is read it
24 to yourself because I'm just going to --

25 A. Okay.

1 Q. And just let me know when you're done.

2 A. I am done.

3 Q. So the response to Request for Production
4 Number 5 is there's no such documents that relate to
5 your claim of noneconomic damages. Is that still
6 the case?

7 A. I thought we turned in a journal entry.

8 MS. DUGAN: Uh-huh.

9 BY MR. MILLER:

10 Q. Okay. So there's a journal entry --

11 A. Uh-huh.

12 Q. -- that would relate to that; is that
13 correct?

14 A. Yes.

15 Q. All right. Any other documents?

16 A. Not -- no. No.

17 Q. Okay. On -- it looks like it's page 3.
18 It's Request Number 12. And if you'd read that to
19 yourself and then let me know when you're done.

20 A. Uh-huh. I am done.

21 Q. Okay. Is it still the case that there are
22 no such documents in response to Request Number 12?

23 A. Yes.

24 Q. All right. Have you given any statements
25 to media?

1 A. About my arrest?

2 Q. Correct.

3 A. Gosh, it's really hard to recall. None
4 are coming to me, but it is possible that I might
5 have talked to media during that time. I can't
6 really remember.

7 Q. Okay.

8 A. I don't remember giving any statements to
9 media, but it is possible it could have happened.

10 Q. Have you ever texted a friend about your
11 arrest?

12 A. I probably have -- I -- there was probably
13 a little texting about my arrest but not very much.

14 Q. And do those text messages still exist?

15 A. No. I pretty much clean out text messages
16 on a regular basis from my phone so that they don't
17 build up.

18 Q. And at what -- what text messaging either
19 apps or maybe it is just text messaging, what do you
20 use to communicate primarily with your friends and
21 family?

22 A. I use SMS and Signal.

23 Q. Okay. And have you conducted a search
24 through SMS to determine if you have any responsive
25 text messages?

1 A. Yeah. I did look through SMS and found
2 nothing.

3 Q. All right.

4 A. Like I looked through all the SMS from
5 that time.

6 Q. And Signal, as I understand it, is sort of
7 a secure communication platform or app?

8 A. Encrypted, yeah.

9 Q. And are you able to look at Signal and
10 look at old messages from yourself or to yourself?

11 A. Yes.

12 Q. And have you done that to determine if you
13 have responsive documents?

14 A. Yes.

15 Q. And do you have any responsive documents?

16 A. No. But, I mean, like, just so you know,
17 I routinely, like, clean out all of my messages on
18 Signal, and also many of them have disappearing
19 functions themselves, so yeah, just wanted you to
20 know that.

21 Q. Between May 31st of 2020 and the time that
22 your lawsuit was filed, did you delete text messages
23 or Signal messages about your arrest?

24 A. Between May 2020 and the time the lawsuit
25 was filed?

1 Q. Yes.

2 A. Yes.

3 Q. Approximately how many?

4 A. That is -- I don't know.

5 Q. So, for example, I know that -- it wasn't
6 about your arrest, but there was a message that
7 prompted you to go to the location that you did.

8 A. Uh-huh.

9 Q. Right?

10 A. Yeah.

11 Q. And?

12 A. Yes.

13 Q. And that was sent to you on the Signal
14 app; correct?

15 A. Yes.

16 Q. But that no longer exists?

17 A. Exactly.

18 Q. All right. How about emails? Have you
19 ever emailed anybody other than your attorneys about
20 your arrests or the lawsuit?

21 A. That is highly doubtful. I don't really
22 use email that much.

23 Q. Do you have an email account?

24 A. I do have an email account. I have two.

25 Q. What are they?

1 A. One is PennyRoyale07@gmail.com, and one is
2 Penny_Royale@riseup.net.

3 Q. And have you --

4 A. Oh, I also have my White Bird email
5 account.

6 Q. Have you searched your email accounts to
7 determine if you have responsive communications
8 about your arrests?

9 A. Yes. I did because I -- Marianne told me
10 to, yes.

11 Q. Any other methods of communication that
12 you use? I mean, I'm assuming you probably don't
13 write -- well, maybe you do. Do you write letters
14 to people?

15 A. No, not really.

16 Q. Okay.

17 A. I talk on the phone. That is -- yeah.
18 That's what I do.

19 Q. Okay. So Request Number 14, if you would
20 read that to yourself, and the response is on the
21 next page. Just read that to yourself and let me
22 know when you're done.

23 A. I am done.

24 Q. Okay.

25 A. I'm just letting it sink in.

1 Q. Yeah.

2 A. Yeah. Done.

3 Q. Is your response still that there are no
4 such documents in response to RFP-14?

5 A. Yeah -- no.

6 Q. Are there any photographs of you that
7 you're aware of whether in your possession or
8 somebody else's from May 31st of 2020?

9 A. Not that I know of.

10 Q. All right. And are there any other --
11 besides some of the video that we've turned over,
12 are there any other recordings of you on May 31,
13 2020, that you're aware of, whether they're in your
14 possession or not?

15 A. Sorry. Of what day?

16 Q. So May 31, 2020 -- primarily I'm
17 interested in any other video of your arrest. Are
18 you aware of any?

19 A. No.

20 Q. And the subject matter of this lawsuit not
21 only includes your arrest but it also includes a
22 challenge to the City's imposition of a curfew.

23 Do you understand that?

24 A. Yes.

25 Q. And the justification for whether there

1 should have been a curfew or its terms.

2 Do you understand that?

3 A. Yes.

4 Q. And the City's use of force by police
5 officers in enforcing the curfew and enforcing other
6 laws.

7 Do you understand that?

8 A. Yes.

9 Q. All right. So that's all part of the
10 subject matter of the lawsuit.

11 Do you understand that?

12 A. Yes.

13 Q. So my question is: Do you in your
14 possession have other video or photographs of
15 officers interacting with protesters or citizens
16 from May 29th, May 30, or May 31st of 2020?

17 A. No. No. I mean, yeah. I was not out on
18 the streets for very long, and I don't take a lot of
19 like photo or video on my phone when I do that.

20 Q. Were you out on the streets on May 29th,
21 2020?

22 A. Early in the night, yes.

23 Q. Okay. We'll get to that.

24 Were you out on the streets on May 30th of
25 2020?

1 A. No.

2 Q. So next page, RFP-15, if you would read
3 that to yourself and let me know when you're done.

4 A. I'm done.

5 Q. Okay. And it indicates there are no such
6 documents, but earlier you said there was a journal
7 entry; correct?

8 A. Uh-huh, yes.

9 Q. Okay. Besides that journal entry, are
10 there any other responsive documents to RFP-15?

11 A. No.

12 Q. All right. We'll mark this as Exhibit 2.

13 (Deposition Exhibit 2

14 marked for identification.)

15 BY MR. MILLER:

16 Q. I've handed you what's been marked as
17 Exhibit 2. Do you recognize that document? It's on
18 both sides of the paper.

19 A. Yes.

20 Q. Is that the journal entry that you just
21 referenced?

22 A. Yes. And I've just got to say very
23 embarrassing to turn in my journal to the City of
24 Eugene, so just want to name that.

25 Q. So I want to direct your attention to the

1 first page of it, and the paragraph that begins -- I
2 think it's "@jailsupport."

3 Do you see that?

4 A. Begins? Oh, that's actually not an "at."
5 That is a spiral doodle.

6 Q. Okay. So it begins with "Jail Support."
7 Do you see that?

8 A. Yeah.

9 Q. All right. Would you just read that
10 paragraph into the record out loud for us?

11 A. Oh, my God. This is so embarrassing.
12 Okay. Yeah.

13 (As read): Jail Support on Sunday.
14 Queers, all black clothes and femme and a
15 little butch and pink duct tape. Everyone
16 in the back of my truck being -- I'm so
17 embarrassed -- being bad ass bitches,
18 meeting the protest downtown head-on and
19 everyone cheers. Many jokes. Much
20 laughing.

21 Q. When you refer to meeting the protest
22 downtown head-on, what did that mean?

23 A. It meant like -- okay. So that -- this
24 was just a really -- basically what I do in my
25 journal when things are really stressful is just

1 write down beautiful moments so that I can remember
2 them so I can feel good when life is hard. So this
3 was just a special moment of that day.

4 We had been over at Alton Baker Park and
5 pretty much the protests -- like a huge group of
6 people had left Alton Baker Park to start marching
7 around downtown. And I had Jail Support with me.

8 And I was driving my truck and they were
9 all in the back of the truck, which is just really
10 fun, like, when all of your friends are in the back
11 of your truck. And a bunch of people were in the
12 front of my truck too wearing seatbelts. All the
13 seats were full with seat belts.

14 And so we drove from Alton Baker Park back
15 to the protest. And then there was just this really
16 cool moment where we were driving down, like, Oak
17 Street or something -- one of the downtown
18 streets -- and the whole protest was walking towards
19 us. And then we pulled over, like, kind of to a
20 parking spot. And then we all got out, and we all
21 had radios, and we all had Jail Support numbers on,
22 and everybody was really excited to see us. And
23 there was just a big like, "Yay!"

24 And then they were happy and we were
25 happy. And it was just a really sweet moment of

1 camaraderie and friendship and just like -- you
2 know, I wrote about it in my journal because it was
3 really special. And we were all laughing and we all
4 felt really good and happy and strong.

5 Q. Okay. The paragraph below that references
6 someone named Arlo; is that correct?

7 A. Yeah.

8 Q. Who is Arlo?

9 A. Arlo is my friend. We do Jail Support
10 together, and they -- they were, like, the main
11 person that I -- well, they're the person that I
12 called from jail when I finally got a phone, which I
13 didn't get for a really long time, and they were the
14 main one who was kind of, like, coordinating my
15 release from jail.

16 Well, actually, I mean, jail just let me
17 out so they didn't really actually end up needing to
18 do much coordinating but they were standing by to
19 coordinate.

20 Q. And is -- do you know Arlo's full name?

21 A. Arlo Silver, I believe.

22 Q. And is that somebody that lives in the
23 Eugene area?

24 A. Uh-huh.

25 Q. Is that a yes?

1 A. Yes.

2 Q. Okay. On the second page of Exhibit 2 is
3 a reference to Dandy.

4 A. Uh-huh.

5 Q. Who is Dandy?

6 A. Dandy's my friend.

7 Q. And does -- what's Dandy's last name?

8 A. Colehour (phonetic) --

9 Q. And is --

10 A. Their first name is Elise actually. Dandy
11 is more of a nickname.

12 Q. All right. So Elise Colehour?

13 A. Uh-huh.

14 Q. And are they in the Eugene area?

15 A. Uh-huh.

16 Q. Is that a yes?

17 A. Yes.

18 Q. And there's a reference below that to
19 Cassidy?

20 A. Cassidy is Dandy's three year-old.

21 Q. Okay.

22 A. He also lives in the Eugene area.

23 Q. And below that, there's a reference to
24 Lucas. Do you see that?

25 A. Yes.

1 Q. Who is Lucas?

2 A. Lucas is my friend.

3 Q. And what is Lucas's last name?

4 A. Nebert (phonetic).

5 Q. And for Arlo, Dandy, and Lucas, do you
6 have contact information for all these individuals
7 in your phone?

8 A. I have contact information for all of
9 them.

10 Q. Okay. And I should have mentioned this at
11 the beginning. It's not an interrogation. If you
12 want to take a break at any point to get water or
13 stretch, you can just let me know.

14 A. Okay.

15 Q. Let's look at Request for Production
16 Number 25. Just read that to yourself with the
17 response and let me know when you're done.

18 (Pause.)

19 A. Okay. I am done.

20 Q. All right. So the first question is: Do
21 you maintain any accounts on any social media sites?

22 A. Yeah. I have a Facebook and I have an
23 Instagram.

24 Q. And on either your Facebook or your
25 Instagram, have you made any posts about your

1 arrest?

2 A. No.

3 Q. All right. Have you made any posts about
4 the impact of your arrest?

5 A. No.

6 Q. Have you made any posts about the protests
7 that occurred May 29 through June 1st, 2020, on
8 either of those accounts?

9 A. No.

10 Q. All right.

11 A. I don't really post on either of them at
12 all, just so you know, like it's not that I just
13 didn't post about this. I pretty much don't post
14 about anything.

15 Q. That's fine.

16 A. Okay.

17 MR. MILLER: Let's mark this as
18 Exhibit 3.

19 (Deposition Exhibit 3

20 marked for identification.)

21 BY MR. MILLER:

22 Q. All right. Ms. Grady, we've handed you
23 what's been marked as Exhibit 3.

24 Do you generally recognize this document?

25 A. Yes, generally.

1 Q. Okay. And these were the first series of
2 written questions that the City posed to you and to
3 your attorney in -- I think it was back in the
4 winter if that rings a bell.

5 A. Yeah.

6 Q. Okay. And I noticed that for whatever
7 reason you didn't sign these ones under oath.

8 Have you looked at these or would you mind
9 looking at this because I'll ask you later to affirm
10 that the answers are true and correct. So take the
11 time you want to look through it and let me know
12 when you can --

13 A. Okay.

14 Q. -- whether they're true and correct or if
15 they need to be changed or supplemented.

16 (Pause.)

17 A. Okay. Yep. All of that is true.

18 Q. Okay. So just so we have a clear record,
19 Plaintiff Grady's Response to Interrogatories,
20 Exhibit 3, you reviewed those, and the answers to
21 those are true and correct?

22 A. Yes.

23 Q. All right. Interrogatory 2, I just asked
24 you to state, you know, what you're seeking in terms
25 of noneconomic damages, and your attorney had some

1 objections, but in your own words, can you describe
2 for me what it is you're seeking in noneconomic
3 damages?

4 A. Like dollar amount-wise?

5 Q. Either -- however you would articulate it.
6 So if it's a dollar amount, that's one thing. If
7 it's for certain types of categories, that's okay.

8 A. I mean, I think the main thing that --
9 like I think some amount of money would be warranted
10 considering the illegality and stress of the arrest,
11 but also the main thing that I personally am seeking
12 is kind of like accountability from the City of
13 Eugene for an outrageous display of force and very
14 unnecessary arrest on my part.

15 And if there is a dollar amount of money
16 that comes with that, that's great. That's not why
17 I'm here. I'm here to use the legal process to push
18 back on policing that felt out of control. And I
19 would like to see, like, if there was -- I think
20 what I'm more interested in would be kind of limits
21 on things like curfews for protests, limits on
22 things like riot cop deployment for protesting and
23 things like that.

24 Q. Okay. What legal training, if any, do you
25 have?

1 A. I have no formal legal training.

2 Q. Okay. What informal legal training do you
3 have?

4 A. Like, I have Know Your Rights trainings.
5 I've learned and studied my rights and the
6 constitution and -- yeah.

7 Q. Who put on the Know Your Rights trainings?

8 A. Sometimes lawyers from the CLDC.
9 Sometimes other friends. I've been trained to give
10 Know Your Rights trainings through the CLDC. Yeah.
11 I have had lots of Know Your Rights trainings from
12 lots of different people.

13 Q. On the second page of this exhibit,
14 Interrogatory Number 4 asks you to identify persons
15 with knowledge about the facts of the case
16 essentially, and you indicated Miriam Valentine.
17 That's the only person that's listed here at least.

18 Do you see that?

19 A. Yep.

20 Q. And her contact information was unknown at
21 the time at least that this document was created.

22 Do you see that?

23 A. Uh-huh, yes.

24 Q. Okay. It sounds like you've spoken to her
25 more recently; is that correct?

1 A. Yes.

2 Q. And so do you have her contact information
3 now?

4 A. Yes.

5 Q. What is it?

6 A. I would need to get out my phone.

7 Q. You can do that.

8 A. Okay. She's a firefighter and she's
9 currently on a fire, but I -- she will be back, you
10 know, sometime when fire season is over probably.
11 Are you ready?

12 Q. Yeah.

13 A. 530-598-3200.

14 Q. Okay. Thank you.

15 We'll mark that Exhibit 5.

16 (Deposition Exhibit 4
17 marked for identification.)

18 BY MR. MILLER:

19 Q. So I've handed you what's been marked as
20 Exhibit 4. And do you recognize this document at
21 least generally?

22 A. Yes.

23 Q. Okay. And on the third page, is that
24 your -- it's a conformed signature, your electronic
25 signature?

1 A. Yes.

2 Q. All right. So I know that for most of
3 these your attorneys didn't want to provide any
4 evidence of your claims but I'll go through them
5 anyway.

6 So Interrogatory 6, would you read that to
7 yourself along with the response and let me know
8 when you're done.

9 (Pause.)

10 A. Okay. I'm done.

11 Q. Okay. So my question is: What has the
12 City done to prohibit and prevent mass protests and
13 other activity protected by the First Amendment?

14 A. Are you asking me, like, about what this
15 interrogatory answer says or about my general
16 opinion?

17 Q. It's -- well, really what I want to know
18 is, you know, what evidence supports the specific
19 claims that you make in this case. And it may be
20 that you don't have anything that you can
21 supplement, that you're going to rely on your
22 attorneys. That's fine.

23 I just want to be exhaustive so I know if
24 you're thinking of something specifically, that this
25 is what the City did that I'm suing them over,

1 that's what I'm trying to figure out. The facts
2 that you're suing them over.

3 A. I feel confused about whether I should
4 answer this from my own opinion or whether, like, my
5 -- this is asking about the specifics of what my
6 lawyer has put forward.

7 Q. Okay.

8 A. Because I have lots of opinions about that
9 question and lots of things that bring me to the
10 table about that question, but I'm curious, like,
11 I'm just -- I want to be in line with my lawyers in
12 terms of, like, what they have put forward is the
13 actual facts of the case.

14 Q. Okay.

15 A. So I guess I'm confused about what you
16 want from me in that question.

17 Q. What I want to know is you've got a claim
18 that the City has a particular practice or a policy
19 of prohibiting and preventing mass protest or First
20 Amendment activity.

21 Do you agree that you have that claim?

22 A. Yes.

23 Q. All right. What facts are you aware of --
24 without talking about what your attorneys have told
25 you, what facts are you aware of that support that

1 claim?

2 A. Well, I think a citywide curfew or even a
3 downtown curfew is absolutely prohibiting First
4 Amendment activity. I think that not -- that, like,
5 sidewalks, parks, and roads are public forums and
6 that is a place where, according to First Amendment,
7 people should be able to gather and protest, and
8 they were not able to.

9 And the curfew was -- felt extremely
10 limiting and, like, repressing of First Amendment
11 activity during a very important national moment to
12 protest and show up. And yeah, that's -- I mean,
13 that's the main obvious one.

14 Q. Okay. Anything else?

15 A. Police violence when people choose to
16 show -- when people choose to demonstrate and
17 protest in a public forum is also very limiting of
18 First Amendment rights, so shooting people with
19 rubber bullets, snatching people in the streets when
20 they're not doing anything illegal, riot cops
21 shooting rubber bullets into buildings, hurting
22 people.

23 I mean, yeah, there was just a lot going
24 on that night and that entire weekend that was
25 repressing of First Amendment activities. Violence,

1 riot cops, repression, drones flying over the city,
2 helicopters, riot cops everywhere, a tank driving
3 around, nonlethal ammunitions, downtown curfew and a
4 citywide curfew. Need I go on?

5 Q. I mean, I do want your comprehensive
6 answer, so if you have anything else, this is the
7 time. I mean, it sounds like what you're describing
8 are activities and events that occurred on that
9 weekend of May 29 through approximately June 1st of
10 2020; is that correct?

11 A. Yeah. That is what I think about that
12 weekend. Are you asking, like, larger scale in
13 general?

14 Q. Yes. I mean, it's -- if -- besides what
15 occurred that weekend, is there something else in
16 your mind that you're bringing a claim on that the
17 City has done or failed to do that is -- that caused
18 you damages for lack of protest or prohibiting or
19 preventing mass protest?

20 A. Yeah. I mean, I think the most egregious
21 incident of that was May 30, May 31st, and June 1st,
22 and so I'm going to leave it at that.

23 Q. Okay. Interrogatory Number 7 below there,
24 it has allegations about failed to properly train or
25 supervise.

1 Do you understand that you're bringing a
2 claim that the City has failed to properly train or
3 supervise its employees?

4 A. Yes.

5 Q. All right. And do you personally know
6 what training Eugene Police Department employees
7 receive?

8 A. I don't have a lot of information about
9 that, no.

10 Q. Do you have any information about it?

11 A. No. I mean, I know some of the trainings
12 that they got from CAHOOTS. Yeah. I don't have a
13 lot of information on that.

14 Q. Do you have any information --

15 A. It's not very readily available.

16 Q. Do you have any information about how the
17 City of Eugene supervises its Eugene Police
18 Department employees?

19 A. No. Beyond knowing there's a chief of
20 police and a hierarchy within the police structure,
21 no.

22 Q. All right. So Interrogatory Number 8,
23 would you just read that to yourself, the answer,
24 and let me know when you're done.

25 (Pause.)

1 A. Okay. Done.

2 Q. Are you aware of a written policy that
3 allows the use of chemical or impact munitions as
4 described in Interrogatory Number 8?

5 A. It seems like the answer to the question
6 is the work of my attorneys. I am not aware of the
7 official policy. I have seen the effects of the
8 policy if -- or I've seen police using chemical and
9 impact munitions out on the street on crowds, so I
10 have been on the receiving end of that policy, yeah.

11 Q. Okay. And for interrogatory number -- the
12 allegations within there about use of these weapons
13 or chemical impact munitions on crowds, does that
14 involve, in your mind, any events other than that
15 May 29th through June 1st time period?

16 A. Any other events in, like, the entire
17 history of Eugene?

18 Q. So what I'm trying to determine really is
19 when you're saying that we have -- that the City has
20 a policy of doing these things, are you thinking of
21 what occurred that weekend or are you thinking of
22 something that occurred prior to that weekend?

23 A. I mean, the lawsuit is about that weekend.
24 It has happened before.

25 Q. Tell me all the times you're aware of it's

1 happened before.

2 A. Well, I remember when my friend Iain Van
3 Ornum got tasered for walking across the street
4 during a protest downtown.

5 I, yeah, would probably need some more
6 time to think about other times that it's happened
7 but --

8 Q. Go ahead and take a moment.

9 A. Yeah. Other times are not coming for me
10 right now -- to me right now.

11 Q. All right. Interrogatory Number 9, would
12 you read that to yourself and let me know when
13 you're done.

14 (Pause.)

15 A. Okay. So the defendants are the City and
16 the police.

17 Q. The individual police officers -- well, in
18 this case it's asking about the individual
19 defendants, so the city manager and the named police
20 officers.

21 A. Okay.

22 Q. All right. Can you supplement this
23 interrogatory response with any facts specific to
24 the individually named defendants?

25 A. So specifically the city manager --

1 Q. And the -- yeah --

2 A. -- and the particular --

3 Q. The first page of this has -- lists them
4 out.

5 A. Sarah Medary, William Solesbee, Samuel
6 Stotts. I mean, again I just go back to chemical
7 weapons and curfews and arrests, like all of those
8 things are, you know, retaliation for First
9 Amendment protest activity.

10 Q. Can you be any more specific as to the
11 individuals?

12 A. Well, Sarah Medary put the curfew on. The
13 -- I don't recall which police officer arrested me
14 though at this moment I feel like I should know
15 that. My understanding is that William Solesbee
16 shot nonlethal rounds into the Campbell Club. Yeah.

17 Q. Okay. And Number 10, I think we've
18 gone --

19 A. I guess, like, the officer that arrested
20 me -- I was out on the streets trying to support
21 people who were being arrested and were the subjects
22 of retaliation by police for their desire to go out
23 into the streets and protest the unfair and violent
24 behavior of the police, and then I became a target
25 of the police's retaliation and the City's

1 retaliation of that protest for just being out there
2 supporting people, so all of it feels a lot like --
3 I don't know if discrimination is exactly the word
4 that I would use, but definitely retaliation and
5 definitely repression and definitely harmful
6 violence to our bodies for the thoughts and opinions
7 that we had and the way that we chose to legally
8 express them.

9 Q. Did Sergeant Stotts or any of the
10 individual officers say anything to you to indicate
11 they were targeting you because of your viewpoints?

12 A. Like because of my viewpoints in terms --
13 like my political beliefs?

14 Q. Your viewpoints. It's the word that you
15 used in the lawsuit.

16 A. I mean, viewpoints, I guess, like my
17 viewpoint they were not allowing me to -- like I
18 have a viewpoint that people should be supported
19 when they're being arrested during protests, and I
20 was expressing to him that I wanted to do that, and
21 they were not letting me, so yeah.

22 Q. Anything else?

23 A. No.

24 Q. So Interrogatory 10, if you would read
25 that to yourself and let me know when you're done.

1 (Pause.)

2 A. Okay.

3 Q. All right. Having looked at
4 Interrogatory 10 and the answer, are you able to
5 supplement this any more with any other details of
6 anything that's come to mind, you know, while we've
7 been discussing this?

8 A. I don't have anything more to say than
9 that.

10 Q. Okay. You still don't remember who the
11 message was from?

12 A. No. Definitely not.

13 Q. All right. Do you know how many people
14 were on this group thread?

15 A. No idea.

16 Q. And it indicates that you were driving
17 around.

18 Do you see where it says that?

19 A. Uh-huh.

20 Q. Do you remember where you were in the city
21 when you received this message?

22 A. I feel like we were -- I mean, it wasn't
23 very long from when we left our house to -- Miriam
24 is my next door neighbor -- when we left our houses,
25 then when we were out in the street.

1 So we were -- I mean, I remember driving
2 over by, like, 6th and 7th Street. I remember
3 driving a little bit through downtown. So probably
4 somewhere over in the 6th/7th downtown area.

5 Q. Do you remember where you parked your
6 vehicle before going to approximately 12th and
7 Patterson.

8 A. Yeah. We were parked like really close to
9 12th and Patterson, like on 12th. Yeah. On 12th
10 I'm pretty sure, kind of like halfway down the
11 block. We, like, saw that they were being arrested,
12 pulled around the block, parked. I don't know if
13 you want me to get into the whole story right now or
14 if that's going to be a different --

15 Q. It will be coming up so --

16 A. Yeah. We can wait for --

17 Q. Okay. All right.

18 So I think we've talked about other than
19 the body-worn camera videos that we've produced to
20 your attorney, you're not aware of any other videos
21 that depict your contact with police or arrest; is
22 that correct?

23 A. Yeah -- no.

24 Q. Are you aware of any other witnesses
25 besides yourself and the officers there and Miriam

1 Valentine and the people who were arrested -- other
2 than kind of that group, are you aware of any other
3 witnesses to your arrest or contact with the police?

4 A. No.

5 Q. Okay. Now, you indicated that you were
6 out early in the night on May 29th, 2020; is that
7 correct?

8 A. Yes.

9 Q. Describe in as much detail as you can what
10 you remember about what you did on that evening.

11 A. We gathered, started marching, you know,
12 obviously people were -- like this was a huge
13 moment, you know, people were really -- like this
14 was a national psychic break of people coming
15 together to, like, express the feelings that they
16 felt about the police and policing in their
17 communities for a long time. It was happening in
18 every single city all across the nation.

19 But yeah, gathered in the Free Speech
20 Plaza, people were hanging around, energy was
21 definitely really intense, started walking, started
22 marching, yelled a lot. The energy was very
23 intense.

24 And then that went on for a couple hours.
25 And then I don't know. There was -- I don't

1 remember every detail but there was a lot of walking
2 around, there was a lot of yelling, there was a lot
3 of holding signs, people talking to each other.

4 And then, you know, it kind of started
5 to -- like around -- it was getting -- it was dark.
6 It was, you know, an hour after dark or something.
7 And we were downtown, and it kind of like stagnated,
8 wasn't much moving anymore.

9 There was a lot of people coming out of
10 bars. There was -- I remember some really angry,
11 like, you know, kind of far-right people who were
12 really like upset that there was protesting going
13 on, and so there was a lot of, like, yelling back
14 and forth between people who were -- there was,
15 like, some conflict with some bystanders pretty
16 much, which is, like, pretty common in protesting.

17 And I -- yeah. Around like 10:00 -- a
18 little after 10:00, I was feeling kind of bored and
19 I went home because I go to bed early, and it seemed
20 like the energy was dying and it was turning into
21 fighting and arguing with like angry Republican-type
22 people.

23 Q. Do you know -- do you remember
24 approximately what time you initially went down to
25 the Free Speech Plaza?

1 A. Probably 7:30 or 8:00.

2 Q. Okay. It was still daylight?

3 A. Yeah.

4 Q. And you were there -- it's an estimate --
5 but approximately until 10:00 or so?

6 A. Yeah.

7 Q. Right. And then you left and went back to
8 your house?

9 A. Yep.

10 Q. And so when did you first learn that there
11 had been some significant property damage in a
12 portion of the downtown area?

13 A. I woke up at, like, 5:00 o'clock in the
14 morning, which I often do, looked at my phone, saw,
15 you know, like, something -- I don't even remember
16 what I saw, but I saw something on my phone that
17 alerted me to the fact that something really intense
18 had happened downtown. And opened the internet,
19 looked at news apps -- or looked at the news. There
20 was already news about it. I was like, whoa, I did
21 not expect that to happen.

22 And then I probably tried to fall asleep
23 again for a couple hours, and then I woke up and
24 realized my community was in crisis and went into go
25 mode trying to figure out how to support and that's

1 when we started Jail Support was that day.

2 Q. While you were out on the evening of May
3 29, that Friday, did you observe anyone cause any
4 property damage?

5 A. No.

6 Q. All right. And talk to me a little bit
7 about starting up Jail Support. What does that
8 entail?

9 A. Jail Support is a pretty like longstanding
10 activist tradition. It's like when people are
11 engaging in protests and they're going to jail, a
12 group of people who are not going to jail, you know,
13 gather together to support them in like gathering
14 together bail money, navigating the jail system,
15 talking to their family and friends, calling their
16 work so they don't get in trouble with work, feeding
17 their pets, making sure their children have
18 childcare, like whatever it is, helping them
19 navigate the fact that their life just went into
20 crisis because they went to jail and helping them
21 move through that.

22 Q. And what Jail Support work did you do on
23 May 30th of 2020, so that's Saturday.

24 A. That was probably like getting all the
25 people together for -- like, finding out who wanted

1 to be in Jail Support, getting a group together,
2 figuring out what we wanted to do, figuring out how
3 we were going to get money.

4 You know, we knew the big Black Lives
5 Matter protest was going to happen on Sunday, so
6 getting together, like, communications, radios. We
7 needed to get a phone because in Jail Support you
8 need a number for people to call, so we needed to
9 get a phone, we needed to get a number. We needed
10 to get a social media account so we could blast out
11 the number to everyone. There was a lot of work.

12 It was just a lot of organizing. Pretty
13 much like right at the moment that I woke up on
14 whatever that was, the 30th -- morning of the 30th.

15 Q. And so then did you go out and observe any
16 of the either protest activity or other activity in
17 downtown Eugene on May 30th of 2020?

18 A. May 30th I stayed home. I was feeling
19 really exhausted, and so -- and probably Jail
20 Support wasn't even up and running fully by May 30.
21 Like I think my memory is that we were still getting
22 stuff together on May 30th, and by May 31st Jail
23 Support was, like, full up and running, which yeah.
24 I've got to say pretty cool of me to get that all
25 together in, like, less than 48 hours.

1 Q. Were you aware that a curfew had been
2 placed on downtown for Saturday, May 30th, of 2020?

3 A. Yes. I was aware of that.

4 Q. And when approximately did you become
5 aware that that was going to go into effect?

6 A. It's really hard to know. I mean,
7 sometime around dark probably. I don't remember
8 exactly when I found out or when I knew, but I knew
9 that I knew people who were out there and I knew
10 that they were -- that there was, you know, a curfew
11 on and that it was dangerous to be out there.

12 Q. Did you communicate that it was dangerous
13 to be out there to any of those people?

14 A. I mean, people know. I don't feel like I
15 had to. I don't know. I don't know the answer to
16 that question.

17 Q. And were you aware that ultimately the
18 curfew was expanded to be citywide on Saturday, May
19 the 30th?

20 A. I don't remember whether I knew that. I
21 mean, I guess -- was it expanded to be citywide on
22 May 30th? I thought that it wasn't until May 31st
23 that it was expanded to be citywide.

24 Q. I just want your best recollection so -- I
25 don't want you to guess. And it's okay.

1 A. I don't know.

2 Q. All right.

3 A. My memory of the situation is there wasn't
4 a citywide curfew until May 31st but I guess I could
5 be wrong about my memory.

6 Q. And when you were communicating either
7 through your Jail Support program or just
8 communicating with other folks who were out on the
9 street, how were you -- what sources were you using
10 to do that?

11 A. Like sources about the curfew?

12 Q. No. I mean, you know, was it all on cell
13 phone, was it text message, was it Signal --
14 those -- what type of media?

15 A. It was Signal.

16 Q. Okay. And you indicated that there had
17 been a -- that a social media something that was
18 sort of -- that was set up for the Jail Support; is
19 that correct?

20 A. Yeah. We have an Instagram.

21 Q. Okay. And so there was -- there is or was
22 a specific Instagram for that Jail Support
23 information; is that correct?

24 A. Yeah. There was a specific Instagram for
25 Jail Support information. We were not like a

1 specific Instagram that was putting out like curfew
2 information or anything like that, but yes, we were
3 putting out information about our general, like,
4 services like how we can support people.

5 Q. Does that still exist, to your knowledge?

6 A. Yeah.

7 Q. Okay. And do you know -- I don't know if
8 it's a handle or an @ -- do you know what it's --

9 A. I think it's EugeneJailSupport -- like
10 @EugeneJailSupport. I don't remember exactly. And
11 I deleted Instagram from my phone, but I can look it
12 up for you. I'm pretty sure it's EugeneJailSupport.

13 Q. And who was the -- I don't know if it's an
14 owner or a moderator. Was there a person who
15 created that or was responsible for that?

16 A. We shared it. I don't -- I've been
17 part -- I've been in charge of it sometimes.

18 Q. Okay. So you had the capability of
19 posting on it. You had those permissions. Is that
20 accurate?

21 A. Yes. But sometimes yes, sometimes no, and
22 I don't remember exactly when I had it.

23 MR. MILLER: All right. Are we still
24 good? Do you want to take a break or --

25 MS. DUGAN: I'm good. Are you good?

1 THE WITNESS: I'll take some water.

2 (Recess: 11:12 to 11:19 a.m.)

3 BY MR. MILLER:

4 Q. So big picture, I kind of want to have you
5 walk me through what happened on May 31st of 2020,
6 just starting with -- I mean, your role kind of
7 outside and the events and attending the march and
8 those activities that day leading up to -- and then
9 we'll get into the detail of your arrest.

10 A. Yeah. I, you know, woke up, went to -- I
11 don't really remember what happened in the morning.
12 Went to the Black Lives Matter march. I'm trying to
13 remember.

14 I mean, like I participated in the march
15 but also we were -- like I didn't walk over the
16 bridge. I drove to Alton Baker Park. And then we,
17 yeah, were just generally doing Jail Support stuff,
18 like we were passing out the number. We were
19 talking to people. We were letting people -- we
20 had, like, flyers to give out.

21 We knew that -- yeah. We were just like
22 doing outreach about what we were doing pretty much.
23 It didn't seem -- like people weren't getting
24 arrested at that point, so it seemed pretty okay.

25 And then -- yeah, spent time at Alton

1 Baker Park, listened to speeches, you know,
2 whatever, just took in the scene.

3 Then people left Alton Baker Park and
4 continued to protest, so then we -- as I've stated
5 before, like in the journal entry, we went over and
6 met them -- met the protest. Continued to march
7 with people, protest with people, outreach with
8 people. Definitely things were, like, starting to
9 get more tense, it seemed like, like there was way
10 more, like, right-wing agitator people showing up.

11 There was -- there was, like, incidents
12 with guns, from not protesters, like incidents with
13 guns from kind of -- I don't know what to call those
14 people to you guys, like, the -- let's just call
15 them Trump supporters for purpose of this -- like
16 Trump supporter people who were really angry about
17 it were coming to, like, start problems. People
18 were working on de-escalating them.

19 I personally didn't do any of that work
20 because I think that's really scary. And yeah,
21 like, the energy was definitely getting more, like,
22 angry, you know, like people were -- people were
23 upset in the streets, there was like -- there was
24 valid and righteous anger towards the things that
25 people were protesting about.

1 And we had all this news coming in from
2 all these other cities, like, yeah, people had a lot
3 of passion and a lot of energy to burn and a lot
4 of -- yeah, a lot of righteous anger.

5 There was also a lot of things being
6 brought up from the past of Eugene Police
7 Department. Like the people were starting to talk
8 about Charlie Landeros, people were starting to talk
9 about Stacy Kenny, people were starting to talk
10 about Eliborio Rodriguez. People were starting to
11 talk about all the deaths that EPD and SPD have
12 caused. So that was really, like, firing people up,
13 I think.

14 And I don't mean that in, like, a bad or
15 manipulative way. I mean, people are fricking sad
16 about those things. They're sad and they should be
17 sad and they're angry. And so, yeah. There was a
18 lot of like -- like I noticed that, like, the street
19 kids were getting involved, like they also were
20 impacted by police harassment and police violence,
21 like the kids at the LTD bus station were there.

22 You know, like people were -- people were
23 showing up because they feel impacted by the way
24 that Eugene Police Department treats them, and they
25 should because it's oftentimes really, really messed

1 up here.

2 So yeah. So like that was happening. At
3 some point I took a break and went and sat in a
4 friend's yard for a while. Then came back out to
5 the streets. Then I remember -- I remember very
6 vividly like in the late afternoon, like, early
7 evening kind of like EPD started to, like, take over
8 the city. Like I remember I was downtown. There
9 was lots of like -- the big vehicles with riot cops
10 on them were starting to drive into downtown.

11 The protest at that point -- maybe people
12 were still marching. I don't know. I had stopped
13 marching at that point. I can't really remember
14 whether people were still marching but it was like
15 there was vehicles of riot cops coming in. There
16 was helicopters.

17 There was -- I remember I was downtown and
18 I saw Emily Semple. She, like, was downtown walking
19 around. She had, like, her head in her hands. She
20 was like what is going on, like, it was -- you know,
21 it was a scene out there. It was very clear that,
22 like, the police were taking over the town.

23 And so I went up to Skinner's Butte and
24 watched it happen. And I watched -- oh, we could
25 hear sirens. There was like sirens everywhere. It

1 was just -- it was a scary feeling. So I went up to
2 Skinner's Butte and watched it all go down. And
3 there was police lights. There was red and blues.
4 There was drones flying around. There was
5 helicopters. There was like a huge ruckus.

6 Just, like, watched the city get, you
7 know -- for -- this is kind of an extreme word to
8 use, but like occupied pretty much. And then spent
9 the whole time up there, just like watched the
10 sunset and watched nightfall and watched the lights
11 take over, and then went down to my house, and then
12 kind of like realized I probably need to go out onto
13 the streets.

14 And then me and Miriam decided to get
15 ready and go. And then we left the house in my
16 truck. And do you want me to continue?

17 Q. However much detail -- I mean, I'll follow
18 up and go through it all so --

19 A. Okay. So let's see. Me and Miriam took
20 off. We probably ate dinner before. It must have
21 been -- because I -- my understanding is that I was
22 arrested like a little bit after 11:00 o'clock. So
23 we must have gone out at, you know, like 10:15 or
24 something like that maybe -- maybe even later.

25 I remember being actually, like, kind of

1 embarrassed about how short of time I lasted out on
2 the streets before I got arrested. It was like not
3 very much time at all but -- so yeah.

4 We got in the car, started driving around.
5 There was -- it was pretty unclear to me what was
6 going on, like I didn't know about what was
7 happening downtown with the people who, to my
8 understanding, were peacefully protesting and had
9 their arms up and were, like, kneeling and sitting
10 on the ground and getting pretty, like, pummeled
11 like by riot cops.

12 I didn't know that that was happening,
13 probably would have gone there if I had known, but I
14 didn't. So we were driving around, but then we got
15 a text that was, like, people are getting arrested
16 on 12th and Patterson.

17 And so we went to 12th and Patterson. It
18 was all pretty simple. We parked. We got out of
19 the car. We walked across the street. You were
20 there apparently but I -- you had a lot of gear on,
21 so I didn't know it was you.

22 And there was -- my memory is like there
23 is a bunch of riot cops, like a lot of them, and
24 then a small group of people being arrested. And
25 then an arrest van and some other police cars.

1 And that they were already in the process
2 of getting arrested when we showed up. And then we
3 showed up and some cops who I don't know who they
4 were, probably one of them was Samuel Stotts. And
5 they came up to us. You couldn't even see their
6 faces. Like I was feeling guilty that I didn't know
7 who arrested me, but like you could not tell who
8 these people were, like, they were in, like, full
9 face mask, like, combat gear, like, they did not
10 look like people that I could relate to.

11 And -- at least that's my memory. If
12 that's wrong, I'm sorry. And so then they were
13 like, "Hey, you all can't be here."

14 We were like, "We want to find out those
15 peoples' names. We're here with Jail Support."

16 And they were like, "No. You can't talk
17 to them. You can't come near them. You can't come
18 close."

19 And we -- we pushed back, like we were
20 being assertive. We said, like -- we were not
21 saying like -- we were not cursing them out or being
22 mean to them, but we were being assertive and trying
23 to like push our boundaries and like push -- like,
24 hold the line that hopefully we could talk to these
25 folks.

1 And we saw a group of maybe like three or
2 four people getting arrested, and we were trying to
3 call to them. And we're trying to say, "What's your
4 name?"

5 We were trying to explain to the police
6 officers that they have family members, that they
7 have people who are going to be worried about them,
8 that we want to find out their name, their phone
9 number, so we can try to, like, help them deal with
10 the fact that they're being arrested.

11 And then the cops were pretty much, like,
12 hard no, like, "No. You cannot be here. You need
13 to leave."

14 Nobody warned us that we were breaking a
15 curfew and we were on a public sidewalk. Oh, there
16 was also this other weird thing that was happening.
17 There was like someone who worked at the hospital
18 there, like, a PeaceHealth guy and he -- or maybe it
19 wasn't PeaceHealth, but there was like somebody who
20 worked at the hospital who was yelling at me in my
21 side ear while the police were also there.

22 And he kept saying, "You can't be here.
23 This is a private sidewalk."

24 And I just looked at him and I said, "I
25 don't think there are private sidewalks."

1 And he said, "This is our sidewalk. This
2 is my sidewalk. This sidewalk belongs to the
3 police." That's what I remember.

4 And I just didn't believe him because I
5 don't think sidewalks belong to hospitals. And so
6 then they kind of told us we really needed to get
7 out of there.

8 And so we chose to leave, but, like, it
9 sucked to me that we were leaving and we didn't want
10 to leave and, you know, whatever, felt kicked out of
11 a place that we feel like we were totally allowed to
12 be.

13 And then Miriam turned around and yelled,
14 "What's your name?" as one last chance to get them
15 and also probably just like an act of resistance
16 that we were getting kicked off of a public
17 sidewalk.

18 And then she looked back and yelled that,
19 and then we kind of looked at each other. And then
20 we saw that they -- the two cops were running
21 towards us. And so then we, like, turned around to
22 start walking diligently to our cars, like, very
23 much showing that we were walking to our car, and
24 then they grabbed us. And I just remember being
25 like, why are we being arrested, like, this is -- I

1 just, like, knew right away that it was so stupid
2 and that we should not be getting arrested.

3 And so I'm pretty sure -- Miriam was
4 saying, "Why are we being detained? Why are we
5 being detained?"

6 And I'm like, "Miriam, we're past
7 detained. We're arrested, like, we're in
8 handcuffs," like -- but I was just like why, why,
9 why, why.

10 Nobody ever told us about the curfew that
11 I remember. We didn't know that we were violating
12 curfew by being there. And then maybe after we got
13 arrested, someone told us about the curfew, but I
14 don't remember.

15 And then we were put in the paddy wagon
16 and then we started talking to those people, then we
17 went to jail. I got a COVID test. And then they
18 treated me really mean in jail, but we can get into
19 that later.

20 Q. All right. Thank you for that narrative.
21 That's helpful. That kind of short-circuits having
22 to piece it out, so I really do appreciate that.

23 A. Uh-huh.

24 Q. So are you aware that there's body-worn
25 camera footage that shows what happened for your

1 arrest and contact?

2 A. Yeah. And if I'm wrong about that stuff,
3 I apologize. That's what I remember. And totally
4 know that I'm -- that we were being filmed the
5 entire time so --

6 Q. And have you ever seen those films?

7 A. No.

8 Q. Okay. We'll play it a little bit later.

9 A. Okay.

10 Q. So I want to start with you participating
11 in or at least observing some of the marching that
12 was going on through downtown that you described.

13 A. Uh-huh.

14 Q. Do you remember talking about that?

15 A. Uh-huh.

16 Q. Yes?

17 A. Yes.

18 Q. And at that point -- I mean, people were
19 physically in the streets, blocking traffic,
20 marching in a group in various directions. Is that
21 an accurate description?

22 A. Yes.

23 Q. Okay. And at that point in time -- I
24 mean, were -- did you observe officers doing traffic
25 control around them?

1 A. Yes.

2 Q. Okay. And did you observe officers going
3 in there and making arrests?

4 A. No.

5 Q. And did you observe officers going in and
6 using force against those people even though they
7 were occupying the street?

8 A. No.

9 Q. Okay. So when is the first time that you
10 personally observed a police officer make an arrest
11 on May 31st of 2020?

12 A. At 12th and Patterson.

13 Q. Okay. And when is the first time that you
14 personally observed a police officer utilize any
15 level of force on a person on May 31st of 2020?

16 A. I did not -- I mean, other than arrests, I
17 didn't -- which I believe is a use of force -- I did
18 not observe, but also like I was -- I was not
19 downtown, like, there was obviously extreme use of
20 force going on.

21 So I'm allowed to speak about things that
22 I didn't see if you're asking me these questions
23 about larger scale, City of Eugene and police stuff,
24 but no, I didn't see -- other than the arrests, I
25 didn't see uses of forces happen.

1 Q. Okay. And that's what I'm interested in
2 is I'm trying to determine things that you learned
3 versus things what you personally saw.

4 A. Yeah. Which is like kind of why some of
5 these questions earlier were a little bit hard for
6 me to answer because they're sort of other peoples'
7 stories. My story didn't include use of force stuff
8 other than arrest, but yeah.

9 Q. Okay. So when you earlier testified that
10 you went up to Skinner's Butte Park, and you were
11 there sort of as night was coming down, and you
12 could observe flashing lights and activity downtown,
13 could you -- from that vantage point -- I'm assuming
14 you didn't have binoculars or a spotting scope;
15 correct?

16 A. No.

17 Q. So could you tell what was occurring?

18 A. I could tell that something that I've
19 never seen happen in Eugene before was happening. I
20 could tell that the police were taking over the city
21 in a way that I've never seen happen in 15 years and
22 I could tell that like anyone out on the streets was
23 going to be in a lot of danger.

24 Q. Okay.

25 A. And I could not see individual people.

1 You've been to the top of Skinner's Butte. You know
2 you can't see individual people. So no, I couldn't
3 see, like, particular interactions between police
4 and protesters. I could just see that, like, a
5 really big, bad, and scary and dangerous thing was
6 happening.

7 Q. Okay. Now, were you -- while you were up
8 there, were you getting communications through any
9 medium describing what was occurring on the ground?

10 A. Probably, but I -- you know, there was
11 just a lot of pinball texting going around, and I
12 don't -- if you're going to ask me about the
13 specifics of those, just spoiler alert, I don't
14 remember a lot.

15 Q. Okay. How about were you watching any
16 live streams of events that were occurring?

17 A. No. I don't do that. I don't have a
18 Twitter. I don't watch live streams. I just --
19 that's too techy for me.

20 Q. Okay.

21 A. But I knew -- like, in a way that is
22 nonspecific I knew people were in trouble. And I
23 know that's not like an extremely specific thing to
24 say in a lawsuit, but there was enough texting going
25 on and I was -- like, could see over the city. I

1 could see that, like, people were in trouble. We
2 were in trouble.

3 Q. Okay.

4 A. And by in trouble, I do not mean we -- I
5 think we were doing something wrong. I meant that,
6 like, we were going to be receiving repression and
7 violence that night.

8 Q. But you also couldn't tell what protesters
9 were doing either.

10 A. Yeah. Yeah. I couldn't tell what the
11 protesters were doing.

12 Q. On May 31st --

13 A. But okay. Wait. Let me just say
14 something about that. I feel like I knew that the
15 protesting was going to be peaceful and non-property
16 destruction that night because it had been the night
17 before and because people were, like, really
18 overwhelmed from the amount of policing that was
19 happening to them.

20 So, like I -- I wasn't feeling like a riot
21 was about to occur. I was feeling like the police
22 were about to crack down on us in a really, really
23 intense way that I've never seen happen before --
24 that I've heard of happening before at, like,
25 Standing Rock, but that I haven't seen happen here.

1 Q. When were you aware that a downtown curfew
2 would go into effect for on May 31st, 2020?

3 A. I don't really remember, but I think --
4 what my memory says is that the downtown curfew went
5 in at 9:00 and the citywide curfew went in at 11:00.
6 So we must have known about the downtown curfew
7 sometime after 9:00.

8 And my other memory is that these things
9 were getting posted on EPD's Facebook like as they
10 were happening, like, the decisions were being made
11 super fast and then they were posting on Facebook
12 and then people were just supposed to know. And
13 that seems like a very ineffective way to tell
14 everyone that there's going to be a curfew.

15 Q. Would it be more effective to broadcast it
16 through a loudspeaker that a curfew is going into
17 effect?

18 A. Would that be more effective? Yes. Do I
19 want that to happen. Because I've experienced that
20 loudspeaker before in Portland -- it sucks. It's,
21 like, really, really loud and disruptive and
22 terrible. So no, I don't want that to happen. I
23 don't want there to be any curfews at all.

24 I think a curfew is completely unnecessary
25 for protesting. Maybe if there was like a hundred

1 serial killers running mad through the streets that
2 wanted to kill children, I would think we should
3 have a curfew, but I don't think protesting is
4 dangerous to the point that everyone needs to stay
5 in their homes.

6 It also seems illegal to have that kind of
7 curfew. So do I wish that they had broadcasted it
8 in a different way? A loudspeaker would have been
9 helpful to understand the legal parameters of what I
10 was doing. I think police using loudspeakers and
11 LRADs is another form of protest repression, and I
12 hate those things, so no, I don't wish that. I wish
13 there had been no curfew.

14 Q. Okay. And so in response to the events of
15 May 29, 2020, and everything that happened there,
16 you don't believe that any curfew of any geographic
17 restriction or size or length would have been
18 justified; is that correct?

19 A. No. Absolutely not.

20 Q. All right. Now, you drove down onto 12th.
21 You parked and then you went up and people were
22 already in the process of being arrested or
23 processed; is that correct?

24 A. Yes.

25 Q. All right. And you said that you had an

1 encounter. We've got video of that we'll play in a
2 minute where you spoke back and forth with the
3 officer and apparently a hospital employee of some
4 sort; correct?

5 A. That is my memory.

6 Q. Okay. And I'm not trying to trick you.
7 We'll play it. I mean, it is what it is. And then
8 you guys crossed the street -- is that correct -- to
9 go back to your vehicle?

10 A. We -- we were in the middle, like, we were
11 crossing the street. When Miriam yelled back, my
12 memory is we were in the middle of the street, but
13 we were, like, significantly distanced between us
14 and officers.

15 Q. Now, when you approached them, did you
16 recognize that they were Eugene Police officers?

17 A. Yeah. I think. Oh, man. You're making
18 me really question my memory right now but --

19 Q. And when you approached them, your purpose
20 there was as part of this Jail Support volunteer
21 group to try to make contact with the people being
22 detained or arrested; is that correct?

23 A. Yes.

24 Q. And you were on a public sidewalk at the
25 time that you were talking to the officers --

1 whoever -- whoever they would have been?

2 A. We could have been partially in the street
3 too. I mean, I remember sort of, like, public
4 sidewalk and street. Like, it was, like, a cluster
5 of people that maybe was bigger than the sidewalk.

6 Q. Okay. But I just -- you weren't seeking
7 medical care; correct?

8 A. No.

9 Q. And you weren't traveling to or from
10 employment; correct?

11 A. No.

12 Q. And you weren't sheltering in place;
13 correct?

14 A. No.

15 Q. And you were not making commercial
16 deliveries; correct?

17 A. No.

18 Q. And you weren't fleeing dangerous
19 circumstances; correct?

20 A. No.

21 Q. And you weren't operating --

22 A. It seems like other people were fleeing
23 dangerous circumstances who were arrested but we
24 were not.

25 Q. You weren't operating as a credentialed

1 member of the media in that capacity; correct?

2 A. Nope.

3 Q. Okay. And, like I said, we'll play the
4 video. At some point though one of the officers
5 says you need to leave, you need to get out of here
6 essentially.

7 A. Which I don't remember happening but I'm
8 sure it did happen because I can't imagine why we
9 would have left without a very serious, like, you
10 have to leave or, you know, we'll arrest you or
11 something like that.

12 Q. Okay.

13 A. I just don't think I would have left if it
14 went to that.

15 MR. MILLER: We'll go ahead and mark
16 this Exhibit -- I think we're at 5.

17 THE REPORTER: Yes.

18 (Deposition Exhibit 5
19 marked for identification.)

20 BY MR. MILLER:

21 Q. So I'm handing you what's marked as
22 Exhibit 5. Do you recognize at least generally this
23 document?

24 A. Yes. I mean, my lawyers wrote this
25 document, not me, but --

1 Q. But you understand that it's a -- it's a
2 lawsuit that you filed --

3 A. Yes.

4 Q. -- in the federal court.

5 A. Yes.

6 Q. And you agree that it makes public
7 allegations about certain police officers and the
8 City and city employees; correct?

9 A. Yes.

10 Q. And you understand by filing such a
11 complaint you've invoked the powers of the federal
12 court; correct?

13 A. Yes.

14 Q. And you're seeking, you know, in addition
15 to other remedies, money damages and punitive
16 damages against some of the individuals.

17 Do you understand that?

18 A. Yes.

19 Q. And in filing such a lawsuit, invoking
20 those federal powers, you agree it's important to be
21 accurate; correct?

22 A. Yes.

23 Q. Okay. And you agree that it's important
24 to make sure there's nothing erroneous within the
25 lawsuit; correct?

1 A. Sure.

2 Q. All right. Did you review your lawsuit
3 before it was filed?

4 A. I have lightly reviewed the lawsuit. I
5 have not read every word.

6 Q. But you wouldn't -- if you knew something
7 was erroneous, you wouldn't have allowed that to be
8 filed, would you?

9 A. No.

10 Q. All right. Turn to paragraph 47 on
11 page 10. And if you would read that to yourself and
12 let me know when you're done.

13 A. Paragraph what?

14 Q. 47.

15 A. Okay.

16 Q. All right. This -- I'll go ahead and read
17 it into the record (as read): Immediately
18 thereafter, at 10:57 p.m., City of Eugene
19 officers informed protesters, including
20 Plaintiffs, via loudspeaker announcement of
21 the citywide administrative curfew that was
22 set to take effect three minutes later at
23 11:00 p.m. This was the first notice of the
24 unconstitutional curfew given to people in
25 the area.

1 Did I read that correctly?

2 A. Uh-huh -- yes.

3 Q. All right. So it indicates that
4 protestors, including the plaintiffs, of which you
5 are one, received an announcement via loudspeaker of
6 a citywide curfew administrative curfew at 10:57.

7 Is that what it says.

8 A. Yes. That's what it says.

9 Q. And is that accurate or not?

10 A. I mean, I'm guessing it's accurate
11 because, like, it's not my memory, but I also want
12 to defend my memory by saying that, you know, being
13 in streets with lots of chaos going around is
14 sometimes -- like, you don't know everything that's
15 going on.

16 Q. Okay. If we could turn to page 13,
17 paragraph 67.

18 A. Oh, yeah. Okay. So this is saying
19 that --

20 Q. So the second sentence of paragraph 67
21 I'll read out loud (as read): Defendants
22 Stotts, Palki, and/or Casey then told Grady
23 that a citywide curfew was in effect and
24 that she and the other volunteers needed to
25 leave immediately.

1 Did I read that sentence of paragraph 67
2 correctly?

3 A. Uh-huh.

4 Q. Is that a yes?

5 A. Yes.

6 Q. Okay. And did that occur?

7 A. I don't know. I'd really like to see the
8 video. I haven't seen the video.

9 Q. Okay.

10 A. I mean, that's not what my memory says,
11 but also like that's -- like, I get what you're
12 saying, like, this is my lawsuit, my lawyer made
13 this lawsuit. I just said something different about
14 my knowledge of the curfew. I guess we're not on
15 the same page about that, but my memory says I
16 didn't know about the curfew, but according to this,
17 I probably did.

18 Q. Okay.

19 A. And also, we're talking about literally
20 three minutes, which is not a very long time.

21 Q. I know. Okay. We'll get back away from
22 the complaint for a moment.

23 Do you wear glasses or contacts or
24 prescriptions?

25 A. Yeah.

1 Q. And were you wearing them the night of May
2 31st?

3 A. I don't think I was because I don't think
4 I had glasses last May. I do have classes now.

5 Q. Okay. I'm just -- I'm more interested in,
6 you know, if there's something that would impair
7 your perception. So, for example, do you wear a
8 hearing aid?

9 A. No.

10 Q. Okay. Had you taken any drugs or
11 medication that night before you went out as Jail
12 Support?

13 A. No.

14 Q. So and again, this is just about
15 perception. I'm not judging anybody, but had you
16 smoked any marijuana earlier in that day?

17 A. No.

18 Q. Had you drunk any alcohol earlier in that
19 day before going out as Jail Support?

20 A. I probably had one beer earlier in the
21 day.

22 Q. Okay. When you said Miriam was in at
23 least the street or part of the street crossing over
24 when she yelled something about, you know, what are
25 your names.

1 A. Uh-huh.

2 Q. Is that right?

3 A. Yeah. I mean, my memory is we were
4 together.

5 Q. Okay. Were you in the street when that
6 occurred?

7 A. My memory is yes.

8 Q. Okay. And you observed officers then
9 approaching you?

10 A. Yeah.

11 Q. And did they say something, to your
12 memory?

13 A. In my memory, no, but we did like realize
14 that they were coming and started moving quickly to
15 our cars.

16 Q. You could perceive that they were walking
17 over to contact you at least.

18 A. Yeah. It's like they were walking really
19 fast suddenly, like, they were kind of like walking
20 or walk running over to us, and then we needed to
21 get to our car.

22 Q. Okay. And do you remember them saying
23 anything to you prior to making physical contact?

24 A. I don't -- I don't know.

25 Q. All right.

1 A. Maybe. Maybe.

2 Q. Okay. Are you aware of anyone else who
3 was provided a warning about the curfew that then,
4 you know, wasn't arrested or was allowed to leave?

5 A. I don't know.

6 Q. And the officers contact you. They bring
7 you over. They eventually put you in handcuffs and
8 go through process, all that. You're placed in the
9 back of a jail van; is that correct?

10 A. Uh-huh.

11 Q. Yes?

12 A. Yes.

13 Q. And then transported to the Lane County
14 Jail?

15 A. Yes.

16 Q. And you said that you had problems at the
17 Lane County Jail, and that's the sheriff's office
18 that handles that. Describe for me what -- what the
19 issues are that the sheriff's office did to you at
20 the jail, what the problem was.

21 A. Well, I mean, they're really mean there.
22 Everybody knows that. I mean -- okay. Let's see.
23 The problems.

24 We got COVID tests and then we went in the
25 jail. And then I'm pretty sure we went into booking

1 pretty quickly and they're just so mean during
2 booking. You know, they, like, put your hands up
3 against a wall, make you face a wall and then they
4 start asking you questions about whether you're
5 suicidal or not.

6 And that is so -- to me that was just such
7 a, like, poorly handled -- like, they're doing this
8 really like cruel mental health evaluation, which I
9 tried to give them feedback on because I'm a social
10 worker. And they were basically like we don't care.
11 So that was pretty offensive to me.

12 Then they put me in a room alone which
13 seems like a holding cell not like a -- okay.
14 Sorry.

15 I don't know all the jail lingo. I don't
16 think we were getting booked. We never got booked.
17 Booked means when you go and you like get jail
18 scrubs and go into your own jail room. That didn't
19 happen.

20 We were getting, like, brought in the
21 entrance process to jail during the offensive and
22 very rude and dehumanizing questioning about all
23 different sorts of things including my mental health
24 which is just, like, why would I tell you that when
25 I'm facing a wall and my hands are facing a wall and

1 my hands are up on a wall.

2 And then got put in the room by myself
3 and -- yeah. That just really was awful in every
4 sensory way all night. Like it was freezing cold in
5 the room. The lights were on the entire time. The
6 phones were not working. I could not use the phone.
7 I had no idea what time it was. No one would tell
8 me what time it was.

9 Any time an officer came to my door, which
10 was pretty rarely, they were super rude to me, and
11 they wouldn't answer any of my questions about like:
12 Will I be arraigned in the morning? What time is
13 it? Like how long is this process going to be?
14 When do I get my phone call?

15 Just like shut the door, like no one will
16 talk to you. You know, I'm not trying to be a
17 crybaby, but, like, the food sucked. It was really
18 gross. And yeah, it was just like a long freezing
19 cold -- oh, and I had like no comfortable place to
20 be, like, I was in a tee shirt and shorts. I had no
21 blanket.

22 It was like full freezing air
23 conditioning, and I was curled into a little ball on
24 a bench, next to a cement wall, and I was freezing,
25 and, like, I couldn't touch the wall because the

1 wall was cold and the bench was uncomfortable. No
2 pillow.

3 I don't remember if I had like a sweater
4 or something, but probably didn't have a sweater.
5 It just -- I was just like curled up in a ball in
6 pain, like, I told you I have like neck pain,
7 whiplash stuff, like whatever. I was like in pain
8 on a bench, freezing, miserable, sad, in the lights.
9 No idea what time it was, can't use the phone. Like
10 why did I deserve that? I did not. Like that was
11 super -- like, I -- sorry.

12 Like being out on the streets three
13 minutes after a curfew does not mean that I needed
14 to sit in that much like painful, physical misery
15 with no access to the outside world in the middle of
16 my town about ten blocks away from my house for an
17 entire night. I should have been home in bed.

18 Q. What did Officer Casey do to you?

19 A. I don't know who that is.

20 Q. What did Officer Palki do to you?

21 A. I mean, one of these people arrested me.
22 They were in riot gear like -- I think. Now I'm
23 questioning my own memory a lot, I know, but I don't
24 know these people's names.

25 They did not identify themselves. Like I

1 did not clearly see any place where I could read
2 their names. They did not say, "Hi, I'm Officer
3 Stotts. I'm Officer Palki. I'm here to arrest you
4 today."

5 They were just like figures of scariness
6 in the night, and I do not know who they were.

7 Q. Okay.

8 A. I'm sorry I don't know their names, but
9 they did not make their names clear.

10 Q. And so you earlier indicated that two
11 officers came up and approached you and Ms.
12 Valentine; is that correct?

13 A. There was a lot of police around, but
14 yeah, probably, maybe not.

15 Q. Well, how many officers approached you to
16 take the two of you into custody?

17 A. Oh, I think it was two. I --

18 Q. And one of them was Sergeant Stotts.
19 We've admitted to that. We know that.

20 A. Okay.

21 Q. You also sued Officer Palki and Officer
22 Casey. Do you think that other officer was one of
23 them, and if so, why are you suing both of them if
24 it could only be one?

25 A. Maybe it was three.

1 MS. DUGAN: It's five to noon. I
2 don't know if you want to put money in your meter or
3 move your car.

4 THE WITNESS: Yeah. I probably
5 should.

6 MS. DUGAN: Okay. We can take a
7 break.

8 (Recess: 11:56 to 12:07 P.M.)

9 BY MR. MILLER:

10 Q. So it sounds like after consulting with
11 your attorney you want to clarify an answer?

12 A. Well, also after walking to my car and
13 getting a moment to, like, think because that
14 questioning was coming on pretty, like, hard and
15 fast. And it was a good time, moment to think.

16 I don't remember who the police were that
17 arrested me because they didn't introduce
18 themselves, and it was a chaotic situation, and they
19 were also dressed in, like, a not easy way to see
20 their faces and names. I mean, like maybe -- I just
21 wasn't paying attention to their names. There was a
22 lot going on.

23 And also, the reasons I don't know what
24 all these police officers did and who arrested me is
25 because my lawyers decided who we were going to sue

1 presumably by reading police reports and stuff. It
2 was not obvious to me who arrested me and who I was
3 talking to. And that's why I don't know.

4 So when you're framing this whole thing
5 like you don't have any idea what happened, I don't
6 really think that the particular names of people
7 were easily available to me or easy for me to
8 remember considering the circumstances.

9 Q. Okay. Would you agree that if Officer
10 Palki or Officer Casey did not in fact arrest you,
11 that you shouldn't be suing them?

12 A. Unless they did other stuff to other
13 people -- I mean, like, if they're part of other
14 peoples' lawsuits, but it -- I mean, I don't know.
15 They were also part of the whole -- if they were on
16 the ground that night, they were part of this whole
17 thing.

18 Like I said, this lawsuit for me is about
19 what happened to me personally, but it's also about
20 what happened to my town and what happened to all
21 these other plaintiffs and what happened to, like,
22 the city that I love and care about and the people
23 who chose to stand up for what they believe in that
24 weekend, which was a completely valid thing for them
25 to do.

1 So, like, do I think they shouldn't be
2 sued? I don't know. But, like, legally if they
3 really weren't part of my situation, then they --
4 their names probably shouldn't be on my complaint.

5 Q. Do you recall any other details from the
6 police encounter on May 31st, 2020, that we have not
7 discussed yet?

8 A. No. I just remember having the distinct
9 impression that I was arrested because I annoyed
10 some riot cops which is not a crime.

11 Q. Did anyone say that to you?

12 A. No. It was just an impression that I felt
13 -- I felt like they got annoyed with us because we
14 yelled something that annoyed them and we weren't
15 leaving as quickly as they wanted us to. And I
16 did -- I got the distinct impression that they were
17 just irritated with us, and that's why they arrested
18 us.

19 Q. And after your first contact, you do agree
20 that the police allowed you to leave?

21 A. Yeah. But we also were not -- like, when
22 Miriam turned around to yell, "What is your name,"
23 we weren't like staying. We were on our way to our
24 car and she just decided to make one last attempt,
25 and that annoyed them. And that was really the

1 thing; we annoyed them.

2 Q. That's your belief.

3 A. That is my belief.

4 Q. All right. We'll go ahead and mark this
5 as Exhibit 6, I believe.

6 THE REPORTER: Uh-huh.

7 (Deposition Exhibit 6

8 marked for identification.)

9 BY MR. MILLER:

10 Q. So, Ms. Grady, I'm handing what's been
11 marked as Exhibit 6, which is the probable cause
12 affidavit for your arrest.

13 Have you ever seen this document before?

14 A. Not to my knowledge.

15 Q. Okay. I'd like you to read the middle
16 paragraph that begins on 5/31/2020. Do you see
17 that?

18 A. Uh-huh.

19 Q. Just read that to yourself and let me know
20 when you're done.

21 (Pause.)

22 A. I read it.

23 Q. Okay. In that paragraph that I just had
24 you read, do you see anything inaccurate in there?

25 A. I mean, I guess I -- it's -- I don't know

1 how to say inaccurate because this is all, like, a
2 stressful situation that happened many months ago --
3 no, many -- like a year and change ago, but my
4 impression is that I was arrested like not at 23:25,
5 that I was arrested more at like 23:05, but again,
6 could be wrong about that.

7 Q. Okay.

8 A. I obviously was not, like, taking notes on
9 exactly what time it was the whole time.

10 Q. Other than potentially the times, is there
11 anything else about this paragraph that strikes you
12 as inaccurate?

13 A. Just that I thought that the citywide
14 curfew didn't go into place until 11:00 p.m. But
15 yeah -- no. I was -- the rest is accurate.

16 Q. Okay. So how close of a relationship do
17 you have with -- is it Miriana -- is that --

18 A. Miriam?

19 Q. Miriam. Excuse me. Miriam Valentine,
20 just describe how close of a relationship you have
21 with her.

22 A. We're friends. We are next-door
23 neighbors. We don't hang out like a ton but we hang
24 out. She was helping with Jail Support at the time.
25 We have a sweet but casual friendship.

1 Q. And how long have you known her?

2 A. Probably two years.

3 Q. And have you ever discussed the arrest and
4 what happened with her?

5 A. Yeah. I mean, after the arrest we
6 probably discussed it, like, whoa, that was crazy.
7 I can't believe that happened. Oh, my gosh. Do you
8 want some soup?

9 And a couple months ago when we were
10 talking about -- or whenever these interrogatories
11 were coming through, we sat down and talked about
12 how -- because of me being in this lawsuit, like,
13 she might be a part of it.

14 Q. And do you know whether she has any
15 recordings on her phone from the night of May 31st,
16 2020?

17 A. I do not think so, but I can't say for
18 sure.

19 Q. Okay. Other than Miriam and the
20 individuals we talked about earlier in this case
21 when you were describing people in your journal
22 notes and obviously your attorneys, is there anyone
23 else that you've discussed your case with?

24 A. Like my -- that I discussed the arrest
25 with or that I discussed the case with?

1 Q. Right. Discussed -- well, let's start
2 with the arrest itself.

3 Have you discussed sort of what occurred?
4 I mean, I don't -- I'm not interested in sort of a
5 casual, oh, yeah, I'm arrested. I'm unhappy about
6 it. I really am -- and just is there anybody else
7 you've discussed in detail this is what happened?

8 A. Probably not really besides like my
9 roommates.

10 Q. Okay.

11 A. My work didn't make me fully describe it.
12 They were -- yeah.

13 Q. Okay. How well, if at all, do you know
14 any of the other plaintiffs in this lawsuit?

15 A. Not very well.

16 Q. Okay. Did you know any of them before you
17 were brought together for purposes of this lawsuit?

18 A. No. I feel like I have casually been
19 introduced to Curtis before, but I did not know the
20 others, but besides that we met in a paddy wagon.

21 Q. Yeah. And do you text or communicate with
22 any of them?

23 A. No.

24 Q. So there's no group texts amongst all the
25 plaintiffs?

1 A. No. There's like a -- our lawyers send us
2 group emails.

3 Q. Yeah. I don't want to know about that.

4 A. Oh, sorry.

5 Q. No. It's okay to say the existence, yeah,
6 but I'm not --

7 A. Oh, yeah. Attorney-client privilege.

8 Q. Yeah. I think -- I just have some kind of
9 check-off stuff, I guess.

10 So, you know, were you hit by anything on
11 May 31, 2020?

12 A. Hit by an object or projectile?

13 Q. Yeah.

14 A. No.

15 Q. Were you struck with a baton?

16 A. No.

17 Q. Were you Tased?

18 A. No.

19 Q. Were you struck with a pepper ball?

20 A. No.

21 Q. Were you struck with a less-lethal
22 munition?

23 A. No.

24 Q. Were you subject to tear gas?

25 A. No.

1 Q. Okay. Any evidence that any of the
2 officers knew that you had been an organizer with
3 the Civil Liberties Defense Center?

4 A. No.

5 Q. Does your opinion of law enforcement
6 generally differ from your opinion of the Eugene
7 Police?

8 A. No.

9 Q. Okay. Do you have an equally -- I don't
10 know how you'd describe it, if it's an unhappy view
11 of both of them?

12 A. Yeah, yes. I feel opposed to the way that
13 policing in this country, including in my town, is
14 impacting vulnerable populations including poor
15 people, people experiencing poverty, unhoused
16 people, black people, brown people, indigenous
17 people, activists, and many more kinds of people.

18 I feel like policing is doing a whole lot
19 of harm in this world and a lot of harm in this
20 town. And I see it in my job as a social worker.
21 Oh, also mentally ill people. I have parents
22 calling me all the time on the crisis line who are
23 like, "My son is mentally ill. He's having a
24 psychotic episode. Last time I called dispatch,
25 even trying to get CAHOOTS, police came. They beat

1 him up. He went to jail. They made everything
2 worse. Or he just went to jail and it made
3 everything worse."

4 Like policing is impacting this community
5 deeply and this community is hurting for so many
6 other resources. We have no public housing. We
7 have no free childcare even though schools are
8 closed. We have like not enough mental health
9 services, not enough harm reduction drug services.
10 Looking around our city, we have major, major
11 problems. And policing is not solving it. Policing
12 is making it worse.

13 Also, the Eugene Police have killed
14 multiple people, and I care for those people. I did
15 not know all of them personally, but I care for them
16 and for their families and the people that continue
17 to survive in the wake of their loss.

18 Q. Do you care about the families of the
19 officers who had to use deadly force?

20 A. Yes. I care about the families of
21 officers and I care about the officers. Like I love
22 people. That is why I care about this. That is why
23 I do work like this.

24 I acknowledge that it must be very
25 difficult for police to go into scary environments

1 and not know what to do, and I acknowledge that
2 after police murder someone, that their life is
3 probably never the same after that. Mine would
4 never be. Like that is -- I don't understand why we
5 have this system because I think it's terrible for
6 everyone, police included.

7 And I think that the police in Eugene --
8 like I think it's really cool we have White Bird and
9 I think it's really cool we have CAHOOTS, but it
10 seems like police are having to bear the burden of
11 so many problems for which we are -- they are not
12 given enough resources, like, I don't think the
13 police like that there are 5,000 homeless people in
14 Lane County.

15 I don't think the police like that they
16 have to deal with the fact that there are people
17 experiencing extreme mental health issues and drug
18 addiction issues just living on the streets
19 everywhere, like I don't like that. I don't think
20 the police like it either.

21 And I think that the whole point of last
22 year's protest movement was a defund the police
23 movement, and that was like actually a real ask,
24 that we want safer and healthier communities where
25 there is housing and where there is access to the

1 things that people need to survive when they are
2 poor and experiencing poverty. And that all the
3 money going to the police is not giving this
4 community what we need and not creating safety at
5 all.

6 And so our community is like -- like, I
7 love this city. I'm going live here forever
8 probably, and I really, really care about how this
9 city turns out. And I feel like right now we are
10 facing a lot of different crises from wildfires to
11 COVID to homelessness -- I'm going to start
12 crying -- I'm just like so sad about this.

13 And I just feel like the purpose of the
14 protest movement last summer was saying like we need
15 more money, more city money, more government money,
16 more state money to go to these things that all
17 these people need and less money to go to policing
18 because the whole concept of police will solve all
19 the problems in the world is not working.

20 And so I just feel like we have -- we have
21 a choice here and it's really the City of Eugene's
22 choice. Like it's y'all's choice. Like we can
23 speak up about things, but it's like y'all have the
24 onus on you of, like, are you going to put the money
25 towards policing or are you going to put the money

1 towards things that we need, towards like literally
2 housing, number 1, to help deal with the fact that
3 we are facing economic crisis.

4 We are facing an eviction crisis coming
5 up. There's going to become way more people on the
6 streets and, like, what kind of community are we
7 going to live in in 20 years? Are we going to live
8 in a safe one, or are we going to live in one that's
9 full of crime, full of suffering, full of drug
10 addiction, full of misery?

11 And I actually, truly believe that less
12 policing and more money towards housing and
13 resources that lift people up out of poverty will
14 make this community a safer place.

15 Like, no offense, like, seriously, none at
16 all, like, I get you're out there doing a hard job
17 and doing your best, but, like, we need different
18 resources here.

19 I've had three friends come visit me from
20 New York this summer that have walked around Eugene
21 and been like, what the hell is going on here? Like
22 this is messed up. And in New York and on the East
23 Coast they have public housing. Like, they've spent
24 decades building housing.

25 And I know there's huge critiques of that

1 public housing for lots of reasons, including racism
2 and redlining, but, like, the fact is that public
3 housing is better than tents in W-J and, like, tents
4 on random side streets and RVs on random side
5 streets in West Eugene.

6 And, like, yeah, I think that y'all,
7 including you, should get on board with this defund
8 the police thing because we could have a way better
9 community if we had more money for the things that
10 people need, and that is, like, ultimately what I
11 care about.

12 And so do I feel critical of the Eugene
13 Police Department? Hell, yes -- excuse me. I'm
14 sorry. But is it for, like, reasons that I feel,
15 like, are truly based on what I think needs to
16 change about my community for true safety and like a
17 true, like, harmony and happiness to happen here?
18 Yes.

19 Do I hate police officers individually?
20 No.

21 Q. How did the May 30th, 2020, curfew impact
22 you?

23 A. I don't know. I was really angry about
24 its existence. I was very tired and overwhelmed and
25 I stayed home. I mean, like, you have heard my

1 values. Obviously I was upset about that curfew,
2 not just because of how it impacted me, but in
3 general.

4 Q. How did the June 1st, 2020, curfew impact
5 you?

6 A. I had just gotten out of jail. I went
7 home and I ate food and I went to bed. And I was
8 mad about the curfew then. I would have been mad
9 about any curfew.

10 Q. Did you ever observe anyone throw anything
11 at the police officers on -- from May 29th through
12 June 1st, 2020?

13 A. I don't think so. Maybe. I don't --
14 probably not.

15 Q. Since May 31st of 2020, have you had any
16 other interactions with Eugene Police Department
17 employees?

18 A. Yeah. I sometimes interact with Mozan
19 -- and I obviously suck at remembering police
20 officer names, but the police officers who deal
21 with sweeps. I sometimes help out unhoused folks
22 and sometimes show up to record and support
23 during the sweep.

24 Q. And how often are those interactions
25 occurring?

1 A. Not very often. I mean, I'm a busy lady.
2 I work, as I said, 40-plus hours a week. So I wish
3 I could be out there more, but I'm not as much.

4 Q. Any interactions with any other police
5 officers not from the Eugene Police Department?

6 A. No. I'm trying to think about work.
7 Like, sometimes I interact with police at work, but
8 since we've been in COVID, we haven't been in
9 schools and I don't -- I haven't really seen any
10 police since then.

11 Q. Okay. I think that may be what I have,
12 but let me talk to them out there. I'm trying to
13 keep it short so we can kind of get you cut loose.
14 So we'll take quick break.

15 MS. DUGAN: Okay.

16 (Recess: 12:27 to 12:30 p.m.)

17 MR. MILLER: I don't have anything
18 else for you, Ms. Grady. Thank you for your time
19 today.

20 THE WITNESS: Thank you.

21 (The deposition was concluded
22 at 12:30 p.m.)
23
24
25

1 STATE OF OREGON)
2) ss.
3 County of Lane)
4

5 I, Deborah M. Bonds, CSR-RPR, a Certified
6 Shorthand Reporter for the State of Oregon and
7 Washington, certify that the witness was sworn and
8 the transcript is a true record of the testimony
9 given by the witness; that at said time and place I
10 reported all testimony and other oral proceedings in
11 the foregoing matter; that the foregoing transcript
12 consisting of 104 pages contains a full, true and
13 correct transcript of the proceedings reported by me
14 to the best of my ability on said date.

15 If any of the parties or the witness requested
16 review of the transcript at the time of the
17 proceedings, correction pages have been inserted.

18 IN WITNESS WHEREOF, I have set my hand and CSR
19 seal this 22nd day of September 2021, in the City of
20 Eugene, County of Lane, State of Oregon.

21

22



23 Deborah M. Bonds, CSR, CCR, RPR

24 Oregon CSR No. 01-0374, Expires September 30, 2023

25 Washington CCR No. 21014344, Expires May 5, 2022